

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (C) No(s). 1624 OF 2017

in

SLP(C) No. 29876/2016

M/S MDDA RAMKY ISBT LTD.
THR. ITS DIRECTOR

Petitioner(s)

VERSUS

OMBIR SINGH TOMAR

Respondent(s)

O R D E R

BANUMATHI, J.:

(1) This contempt petition has been filed alleging violation of Order dated 17th April, 2017 passed in I.A. NO.2 of 2016 in SLP(C)No.29876 of 2016, which reads as under:

"I.A.No.2 of 2016

This application has been filed with the following prayer:-

"(A) To pass an order for directing the respondent to pay the admitted licence fee and common area Maintenance charges of the premises from August, 2012 till date."

The prayer, as above is allowed.

The deposit in terms of the prayer shall be made within one month from today.

I.A.No.2 of 2016 is, accordingly, allowed."

(2) It is pointed out that SLP(C)No.29876 of 2016 came to be dismissed on 29th August, 2017. It was thereafter I.A. No.2 of 2016 was filed by the petitioner to direct the respondent to

pay the admitted licence fee and common area maintenance charges of the premises from August, 2012 till the date of filing of the application, which came to be allowed on 17th April, 2017. As pointed out earlier, alleging violation of Order dated 17th April, 2017 passed in I.A.No.2 of 2016, the present contempt petition has been filed.

(3) Thereafter, number of orders came to be passed in the contempt petition by this Court and pursuant to Order dated 11th May, 2018, bailable warrants were issued against the respondent.

(4) Since no one appeared on behalf of the respondent despite service of notice, by order dated 3rd August, 2018, non-bailable warrants were issued by this Court against the respondent through the jurisdictional police station.

(5) By order dated 4th September, 2018, the Magistrate of the competent jurisdiction was directed to initiate contempt proceedings under Sections 82 and 83 Cr.P.C. immediately and Superintendent of Police, Dehradun, was also directed to take further steps to see that the respondent was arrested and produced before this Court.

(6) Respondent was arrested and sent to custody on 25th September, 2018 and thereafter number of orders came to be passed by this Court.

(7) The petitioner has already filed execution petition before the competent court to execute the final award passed by the Arbitrator. It is for the petitioner to work out his remedy - viz., execution of the final award before the executing court in accordance with law. When regular execution petition is pending, it cannot be said that the respondent has intentionally violated the order dated 17th April, 2017.

(8) In the above facts and circumstances of the present case we are not inclined to proceed with the contempt proceedings against the respondent. Contempt is a matter between the Court and the alleged contemnor who is alleged to have violated the orders of this Court. The contempt proceedings are dropped and the contempt petition is closed.

(9) The respondent is ordered to be released forthwith.

(10) All the pending applications shall stand disposed of.

.....J.
(R. BANUMATHI)

.....J.
(INDIRA BANERJEE)

NEW DELHI,
JANUARY 4, 2019.